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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/898,205	07/03/2001	Peter W. Wenzel	P1016 (12850RRUS02U)	2218
7590	05/16/2006		EXAMINER MOORE, IAN N	
D.SCOTT HEMINGWAY STORM & HEMINGWAY, LLP 8117 PRESTON RD. PRESTON COMMONS WEST, SUITE 460 DALLAS, TX 75225			ART UNIT 2616	PAPER NUMBER

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/898,205

Applicant(s)

WENZEL ET AL.

Examiner

Ian N. Moore

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-23 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 27 June 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. The finality of the rejection of the last Office action is withdrawn.

Drawings

2. The drawings (**FIG. 3-6**) are objected because there is a lack of descriptive text legends for **FIG. 3-6** [37 CFR 1.83, CFR 1.84 [5(e)], MPEP § 608.02(e)]. For example, FIG. 3, a field labeled with “C” should be changed to “Code”; “I” should be changed to “Identifier”, and etc.

Specification

3. The abstract of the disclosure is objected to because it contains the phrase, “**invention**” in line 1, which can be implied. Applicant is reminded of the proper language and format for an abstract of the disclosure. Correction is required. See MPEP § 608.01(b).

It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

4. The disclosure is objected to because of the following informalities: the specification fails to disclose the full and descriptive meaning of acronym “LC” and “AM” shown in FIG. 5.

Appropriate correction is required.

Claim Objections

5. Claims 9 and 11 are objected to because of the following informalities:

Claim 9 recites, “**the** foreign network” in line 6. For clarity, it is suggested to rewritten as “a foreign network”.

Claim 11 recites, “**the** server computer” in line 2. There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites “**the continuation of the mobile node’s communication session**” in lines 9-10. There is insufficient antecedent basis for this limitation in the claim and some essential step or element is missing, which cause the claim unclear. Note that a communication session has not been set up, yet the mobile node continues such a communication session. None of the applicant disclosures recite that claimed concept of continuing the communication session without establishing a first communication session. However, FIG. 2 and 5, and its corresponding pages in the applicant disclosure discloses setting a first communication session at a home network, then the same communication session is continued at the foreign network.

Claims 2-8 are also rejected since they are dependent upon the rejected claim 1.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 9,11,16,18, and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Chuah (US006801509B1).

Regarding claim 9, Chuah discloses the method of continuing a communication session (see FIG. 10) on a communication system (see FIG. 1, 8,9, communication system) comprising the steps of:

transmitting a request message (see FIG. 10, step 430, CCRQ (continued-call-request)), from a serving computer (see FIG. 9, new servicing LAC; see FIG. 10, step 415) to a first serving computer (see FIG. 9, anchor LAC, step 440) said request message contains a session continuation message (see FIG. 10, step 430; CCRQ (continued-call-request); see col. 9, line 30 to col. 10, line 7; and

receiving the request message from said serving computer (see FIG. 10, step 430,435; receiving CCRQ at anchor LAC) and maintaining an address allocation (see FIG. 10, step 440,445; maintain existing PPP connection thereby maintaining the existing PC's address or user assigned IP address a.b.c.d; see col. 5, line 32 to col. 6, line 2; col. 8, line 55-67; see col. 9, line 19-30; see col. 10, line 5-16) for a mobile node (see FIG. 8, PC 805) on the foreign network (see FIG. 8-9, serving PCS network; see col. 8, line 30-50; see col. 9, line 6-30).

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Regarding claim 11, Chuah discloses wherein the server computer continues accounting functions (see col. 5, line 63 to col.6, line 4; see col. 4, line 38-44; performing Radius server tasks/functions of accounting) for an ongoing communication session in response to the request message (see FIG. 10, step 440,445; continues using existing PPP connection thereby continuing accounting for the existing PC's address or assigned IP address a.b.c.d; see col. 5, line 32 to col. 6, line 2; see col. 6, line 50 to col. 7, line 16; ; col. 8, line 55-67; see col. 9, line 19-30; see col. 10, line 5-16).

Regarding claims 16 and 23, Chuah discloses wherein the session continuation message includes a session continuation attribute data element (see col. 8, line 64 to col. 9, line 6; control message; see col. 2, line 1-6; col. 9, line 1-6; see col. 50-55, col. 10, line 5 to col. 11, line 6; see col. 2, line 1-6; control message contains a data element/information of CCRQ, CCRP, and/or CCCN; each continuation message includes a data value (e.g. assign cid, call serial no, bear type, etc.); see col. 9, line 30 to col. 10, line 7, 16-55)).

Regarding claim 18, Chuah discloses a method for supporting communications on packet-based network (see FIG. 1, 8,9, communication system) comprising the steps of:

receiving a continuation session message (see FIG. 10, step 430,435; receiving CCRQ at anchor LAC; see col. 9, line 30 to col. 10, line 7; or see FIG. 5, SCCRQ; see col. 5, line 1-30, see col. 6, line 50 to col. 8, line 16; see col. 2, line 1-6), and,

continuing an accounting function (see col. 5, line 63 to col.6, line 4; see col. 4, line 38-44; performing Radius server tasks/functions of accounting) for a mobile node address (see FIG. 8, PC 805) on an ongoing communication session after receipt of the continuation session message (see FIG. 10, step 440,445; continues using existing PPP connection thereby continuing

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accounting for the existing PC's address or assigned IP address a.b.c.d; see col. 5, line 32 to col. 6, line 2; see col. 6, line 50 to col. 7, line 16; ; col. 8, line 55-67; see col. 9, line 19-30; see col. 10, line 5-16).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over TR45 (TIA/EIA/IS-835, wireless IP network Standard) in view of Chuah (US006801509B1)

Regarding claim 1, TR45 discloses a communications system (see FIG. 5-6, Mobile IP network), comprising:

a radio network (see FIG. 5-6, RN, radio network) coupled to a serving computer (see FIG. 5-6, PDSN, packet data serving node) on a first network (see FIG. 5-6, visited access provider network); see section 4.4;

a mobile node (see FIG. 5-6, mobile station) coupled to the radio network by a wireless communication link (see FIG. 5-6, a radio/wireless link between mobile and radio network);

a communication server computer (see FIG. 5-6, Radius Server) linked to the serving computer (see FIG. 5-6, PDSN), said communication server computer controlling the allocation of addresses for the mobile node and performing accounting functions for the first network (see

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section 5.3, 6, 9, Annex C; Radius server controls mobile address allocation and performs accounting) and;

a control message transmission (see FIG. 9, RADIUS attribute format message; see Annex C) on the first network comprising a data element (see FIG. 9, data elements/information within RADIUS attribute format message; Annex C) that denotes the mobile node's communication session on the first network (see section 6, 7,9; RADIUS attribute message is transmitting in the visited network for mobile station communication session).

TR45 does not explicitly disclose continuation. However, Chuah teaches a communication server computer controlling the allocation of addresses for the mobile node and performing accounting functions for the first network (see col. 4, 10-65; see col. 5, line 32 to col. 6, line 2; see col. 6, line 50 to col. 7, line 16; col. 8, line 55-67; see col. 9, line 19-30; see col. 10, line 5-16); and a control message transmission (see col. 8, line 64 to col. 9, line 6; control message; see col. 2, line 1-6) on the first network (see FIG. 8, serving NAS 820 network, or FIG. 9, LAC 820 network) comprising a data element (see col. 9, line 1-6; see col. 50-55, col. 10, line 5 to col. 11, line 6; see col. 2, line 1-6; a control message contains data element/information of CCRQ, CCRP, and/or CCCN) that denotes the continuation of the mobile node's communication session on the first network (see FIG. 8-9, CCRQ (continued-call-request), CCCN (continued-call-connect), and/or CCCN (continued-call-connect) enables to continue the PPP session). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide call continuation after handoff, as taught by Chuah in the system of TR45, so that it would provide a mechanism that a user does not have to terminate the current PPP connection and the re-establish a new PPP connection; see Chuah col. 2, line 5-6.

Regarding claim 2, TR45 discloses wherein the control message includes a type field (see FIG. 9, type field; see Annex C).

Regarding claim 3, TR45 discloses wherein the control message includes a length field (see FIG. 9, length field; see Annex C).

Regarding claim 4, TR45 discloses wherein the control message includes a vendor-type field (see FIG. 9, vendor-type field; see Annex C).

Regarding Claim 5, TR45 discloses the control message includes a data element (see FIG. 9, elements within RADIUS attribute format message; see Annex C). Chuah also discloses control message includes a data element (see col. 8, line 64 to col. 11, line 5; control message contains continuing information/element; see col. 2, line 1-6).

Regarding Claim 6, TR45 discloses wherein the serving computer (see FIG. 5-6, PDSN) is coupled to an Internet (see FIG. 5-6, IP network).

Regarding Claim 7, TR45 discloses wherein the serving computer is coupled to a second network (see FIG. 5-6, IP network).

Regarding Claim 8, TR45 discloses wherein the communication server computer controlling the mobile node's address on the foreign network after receiving the control message (see section 5.3, 6, 9, Annex C). Chuah discloses wherein the communication server computer will not change the mobile node's address on the foreign network after receiving the control message (see FIG. 10, step 440,445; continuing existing PPP connection thereby continuing the existing PC's address or user assigned IP address a.b.c.d in the serving/foreign network; see col. 5, line 32 to col. 6, line 2; col. 8, line 55-67; see col. 9, line 19-30; see col. 10, line 5-16).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide PPP section continuation during a call to continue using existing PC address, as taught by Chuah in the system of TR45, for the same motivation as set forth above in claim 1.

12. Claim 10,12-15,17,19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chuah in view of TR45 (TIA/EIA/IS-835, wireless IP network Standard).

Regarding claim 10, Chuah discloses wherein the session continuation message is a data element (see FIG. 10, step 430; CCRQ (continued-call-request) contains a data information/element (e.g. assign cid, call serial no, etc.); see col. 9, line 30 to col. 10, line 7, 16-55).

Chuah does not explicitly disclose an accounting message. However, TR45 teaches wherein the session message is a data element in an accounting message (see FIG. 9, data elements/information within RADIUS attribute format message; Annex C; see section 6, 7,9). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide an RADIUS/accounting format message, as taught by TR45 in the system of Chuah, so that it would support wireless packet data networking capability on a third generation wireless system; see TR45 section 1.

Regarding claims 12 and 19, Chuah discloses wherein the session continuation message as set forth above in claim 9. Chuah does not explicitly disclose a type data element. However, TR45 teaches wherein the session message is a type data element (see FIG. 9, type field; see Annex C). Therefore, it would have been obvious to one having ordinary skill in the art at the

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time the invention was made to provide an RADIUS/accounting format message with a type data field, as taught by TR45 in the system of Chuah, for the same motivation as set forth above in claim 10.

Regarding claims 13 and 20, Chuah discloses wherein the session continuation message as set forth above in claim 9. Chuah does not explicitly disclose a length data element. However, TR45 teaches wherein the session message is a length data element (see FIG. 9, length field; see Annex C). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide an RADIUS/accounting format message with a length data field, as taught by TR45 in the system of Chuah, for the same motivation as set forth above in claim 10.

Regarding claims 14 and 21, Chuah discloses wherein the session continuation message as set forth above in claim 9. Chuah does not explicitly disclose a vendor-type data element. However, TR45 teaches wherein the session message is a vendor-type data element (see FIG. 9, vendor-type field; see Annex C). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide an RADIUS/accounting format message with a vendor-type data field, as taught by TR45 in the system of Chuah, for the same motivation as set forth above in claim 10.

Regarding claims 15 and 22, Chuah discloses wherein the session continuation message as set forth above in claim 9. Chuah does not explicitly disclose an identifier data element. However, TR45 teaches wherein the session message is an identifier data element (see FIG. 9, Vendor-ID field; see Annex C). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide an RADIUS/accounting format

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message with an Vendor-ID data field, as taught by TR45 in the system of Chuah, for the same motivation as set forth above in claim 10.

Regarding claim 17, Chuah discloses wherein the session continuation message is a data value (see FIG. 10, step 430; CCRQ (continued-call-request) contains a data value (e.g. assign cid, call serial no, bear type, etc.); see col. 9, line 30 to col. 10, line 7, 16-55).

Chuah does not explicitly disclose an accounting message. However, TR45 teaches wherein the session message is a data element in an accounting message (see FIG. 9, data elements/information within RADIUS attribute format message; Annex C; see section 6, 7,9). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide an RADIUS/accounting format message, as taught by TR45 in the system of Chuah, so that it would support wireless packet data networking capability on a third generation wireless system; see TR45 section 1.

Response to Arguments

13. Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

Applicant traverses the previous objections to the drawings by citing MPEP §608.02 and 37 § C.F.R 1.84(p) and stating that the applicant has been able to locate the identified requirement in MPEP or CFR to do so; also states that...applicant does not believe this objection is correct without a more definite explanation (see appeal brief page 24, section E).

In response to the applicant arguments, examiner has revised the drawing objections above and the following states the definite explanation as requested by the applicant.

First, applicant attention is directed to **MPEP § 608.02(e) Examiner Determines Completeness and Consistency of Drawings**. Thus, it is clear in accordance with MPEP which states that the “examiner”, <NOT the applicant>, determines the completeness and consistency of drawings [**emphasize added**]. In this case, examiner has determined that the drawings are **incomplete**.

Second, the applicant attention is also directed to **37 § C.F.R 1.84 [5(o)]**, which states “**Suitable descriptive legends may be used subject to approval by the Office, or may be required by the examiner where necessary for understanding of the drawing.**” In this case, examiner is clearly requiring the applicant to include “suitable descriptive text legends” (*rather than unsuitable and un-descriptive text labels such as “C”, “I”, “L”, “AS”, etc. currently set forth in objected drawings*) that is necessary for the understanding for the drawings since the drawings are **incomplete**.

Third, the examiner is requiring this application to be in the best presentable and complete form for the public including patent community so that the public including patent community will appreciate the completeness of this application once published or issued, and by traversing the objection will remain the application in an incomplete or un-presentable form.


Therefore, the objections to the drawings stand objected as set forth previous and above. The objection to the drawings will not be held in abeyance.


Conclusion

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ian N. Moore whose telephone number is 571-272-3085. The examiner can normally be reached on 9:00 AM- 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on 571-272-7629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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